

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF GEORGIA

AUGUSTA DIVISION

GERALD DAVIDSON, )  
)  
Plaintiff, )  
)  
v. ) CV 316-025  
)  
)  
WARDEN S. EMMINS, et al., )  
)  
Defendants. )  
— — — — —

GERALD A. DAVIDSON, )  
)  
Plaintiff, )  
)  
v. ) CV 316-028  
)  
)  
WARDEN S. EMMINS, et al., )  
)  
Defendants. )

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**ORDER**

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On March 24, 2016, Plaintiff submitted a complaint brought pursuant to 42 U.S.C. § 1983 in the Northern District of Georgia. Davidson v. Emmins, CV 316-025, doc. no. 1 (S.D. Ga. Mar. 31, 2016). Fourteen days later, on April 7, 2016, Plaintiff submitted another complaint brought pursuant to § 1983 in the Northern District of Georgia. Davidson v. Emmins, CV 316-028, doc. no. 1 (S.D. Ga. Apr. 14, 2016). Both cases were transferred from the Northern District of Georgia to the Southern District of Georgia because both of

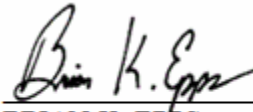
Plaintiff's complaints concern events that occurred at Johnson State Prison. CV 316-025, doc. no. 3; CV 316-028, doc. no. 3.

Both complaints contain similar Defendants, allegations of deliberate indifference, and underlying facts. Compare CV 316-025, doc. no. 1, pp. 2-26, with CV 316-028, doc. no. 1, pp. 3-4. For example, in both complaints Plaintiff claims (1) mistreatment by the same medical professionals; (2) deliberate indifference to Plaintiff's sores on his face, neck and back; (3) being denied Wellbutrin, a medication; and (4) that medical health professionals intentionally tampered with one of Plaintiff's blood samples. See CV 316-025, doc. no. 1; CV 316-028, doc. no. 1. Although the later-filed complaint is shorter, it is properly filed on the form for 42 U.S.C. § 1983 actions in the Northern District of Georgia, contains a more precise description of Plaintiff's claim, and is more organizationally structured. See generally CV 316-028, doc. no. 1.

Therefore, it appears that Plaintiff may have intended to simply file an amended complaint in case number CV 316-025. Accordingly, Plaintiff shall have ten days from the date of this Order to notify the Court whether he intended to file two separate cases and be potentially responsible for a total of \$700 in filing fees. Should Plaintiff fail to respond to this Order, (1) the Court will presume Plaintiff did not intend to open a new case, (2) case number CV 315-025 will proceed in the normal course of business with the amended complaint against Defendants named in the amended complaint, and (3) case number CV

315-028 will be dismissed.

SO ORDERED this 19th day of May, 2016, at Augusta, Georgia.

A handwritten signature in black ink, appearing to read "Brian K. Epps", is written over a horizontal line.

BRIAN K. EPPS  
UNITED STATES MAGISTRATE JUDGE  
SOUTHERN DISTRICT OF GEORGIA